

Subject: Re: Super G Capital, LLC
Date: Tuesday, March 16, 2021 at 2:45:25 PM Central Daylight Time
From: Tim Silvestre
To: Jason Freeman
CC: Ryan Dean, Zach Montgomery
Attachments: image001.png, image002.png, image003.png

Jason,

After further consultation with counsel, I do not believe the California subpoenas issued on March 10, 2021 correct each of the deficiencies previously noted. For example, I have been informed that there is no evidence of commissions having been issued from the Texas court authorizing an out of state deposition. Solely in the spirit of cooperation, however, and without waiving any rights or objections with respect to any discovery sought from Super G Capital, LLC (the "**Company**") or Marc Cole, all of which are expressly reserved, Mr. Cole is willing to appear (via video) individually and as the designated representative of the Company for a deposition, provided that both depositions are taken simultaneously. Mr. Cole is available on the date you suggested, March 29th, at any time after 12 noon PST. He is also available at specific times on March 30th.

With respect to the list of deposition topics set forth in the subpoena issued to the Company, while reserving all objections, the Company specifically objects to item number 6 ("any other matter relevant to any party listed above") as overbroad, unduly vague and burdensome.

Please confirm the deposition logistics. Mr. Cole and his counsel will require copies of all deposition exhibits at least 3 business days in advance of the deposition, so that they have sufficient time to review same prior to the deposition and are not limited to viewing documents on a video screen. Mr. Cole and counsel will also require that a separate and private zoom chat room be made available to them for use during breaks in the deposition.

Please advise further.

Tim

On Mon, Mar 15, 2021 at 4:47 PM Jason Freeman <Jason@freemanlaw.com> wrote:

Mr. Silvestre,

I have not received a response on this. Can you please confirm that Super G Capital, LLC will be appearing and available for its deposition on March 26th at 10:30 CT (8:30 PST); and Mr. Cole will be appearing and available for his deposition on March 29th at 10:30 CT (8:30 PST).

Thanks,

Jason



Jason B. Freeman, JD, CPA

Managing Member

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From: Jason Freeman <Jason@freemanlaw.com>

Date: Thursday, March 11, 2021 at 11:45 AM

To: Tim Silvestre <tsilvestre21@gmail.com>

Cc: Ryan Dean <rdean@freemanlaw.com>, Zach Montgomery <zmontgomery@freemanlaw.com>, Evan J. Davis <davis@taxlitigator.com>

Subject: Re: Super G Capital, LLC

Tim,

To your last question, I am requesting documentation of each of the four bullet points that you have

listed.

Can you tell me how long the founder has been in a non-functional state due to this terminal illness?

Thanks,

Jason



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From: Tim Silvestre <tsilvestre21@gmail.com>

Date: Thursday, March 11, 2021 at 11:41 AM

To: Jason Freeman <Jason@freemanlaw.com>

Cc: Ryan Dean <rdean@freemanlaw.com>, Zach Montgomery <zmontgomery@freemanlaw.com>, Evan J. Davis <davis@taxlitigator.com>

Subject: Re: Super G Capital, LLC

Jason, the declaration of Mr. Cole dated February 5, 2021 was correct and accurate when delivered and continues to be true and correct in all respects. The declaration refers to historical facts, documents and events from years past, including without limitation the fact that Mr. Cole "**was** the CFO of [Super G] until the summer of 2020." (emphasis added) By definition he has **not** been the CFO of Super G since that time.

What aspect of these historical statements in Mr. Cole's declaration are you questioning here? What type of "documentation" are you seeking?

Please advise.

Tim

On Wed, Mar 10, 2021 at 7:30 PM Jason Freeman <Jason@freemanlaw.com> wrote:

Mr. Silvestre,

Can you please provide documentation of the information you have indicated below?

Please be advised that a sworn Declaration of Marc Cole was submitted to the district court in Texas in Cause No. DC-19-09828 and was dated February of 2021. The declaration purports to be from Mr. Cole regarding operations of Super G Capital, LLC and attaches substantial documentation and information of Super G Capital.

Can you advise whether this declaration is in fact legitimate—i.e., that it was executed and drafted by Marc Cole? Or did he not actually provide this declaration?

Regards,

Jason



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From: Tim Silvestre <tsilvestre21@gmail.com>

Date: Wednesday, March 10, 2021 at 7:59 PM

To: Ryan Dean <rdean@freemanlaw.com>, Jason Freeman <Jason@freemanlaw.com>, Zach Montgomery <zmontgomery@freemanlaw.com>, Evan J. Davis <davis@taxlitigator.com>

Subject: Super G Capital, LLC

Gentlemen, with respect to the operational status of Super G Capital, LLC (the "**Company**"), I have been informed as follows:

- The Company is no longer in business, has no employees or operations and is the process of liquidating all assets/covering remaining liabilities;
- Marc Cole is not an employee of the Company and has been simply assisting its founder, on an unpaid basis, in this wind down process;
- The Company's founder suffers from a terminal illness and is not functional at this time;
- Mr. Cole may have access to a portion of the written documents addressed in your production subpoena but he is no longer on the Company's email server.

Regards, Tim